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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,771	07/06/2004	Torbernt Hjelmvik	1725	7036
7590 06/30/2005			EXAMINER	
Alfred J Mangels 4729 Cornell Road Cincinnati, OH 45241-2433			WALSH, DANIEL I	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/500,771

Applicant(s)

HJELMVIK, TORBERNT

Examiner

Daniel I. Walsh

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Receipt is acknowledged of the Amendment received on 21 May 2005.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ilen (US 5,905,247)

Re claim 1, Ilen teaches:

A method of controlling parking of vehicles in a parking system by which a mobile telephone is used to commence and to terminate parking of a vehicle, the method comprising the steps of:

sending by telephone at least one user specific code to a receiving computer associated with the parking system when beginning and terminating a parking period (col 3, lines 41+),

at the beginning of a parking period sending to the parking system receiving computer by telephone the identity of the parking zone concerned and a vehicle-specific code (col 3, lines 48+),

storing the parking zone identity and the vehicle specific code in the receiving computer when parking is commenced (as the driver indicates where the car is parked when they park the

car) and associating them with the user specific code (FIG. 3b, understood to associate, since it's a record),

providing a control unit including a mobile telephone having a unique telephone number (control device 6) for wireless communication with the receiving computer (register 8) to fetch from the receiving computer information as to the identity of those vehicles that have commenced but not yet terminated a parking period in the parking zone concerned,

Ilen teaches the control unit sends data from the parking attendant (via unit 6) to the parking system receiving computer (register), but is silent that the control unit sends a voice message to the receiving computer. Ilen teaches the control unit includes a GSM/mobile phone (FIG. 2) for sending to a receiving telephone coupled to the receiving computer a registration number (10) of the vehicle, but is silent to the sending of voice messages. It is obvious to couple a phone to the computer in order to receive the telephonic communication. Ilen teaches that the code is compared with those codes signed in, to determine if the vehicle is legally parked/logged in (col 4, lines 44+), and sending indication back to the control unit about the parking status (logging status), though Ilen is silent that the indication is in the form of a voice message. Ilen teaches the storing and associating of the codes (user specific, parking zone, vehicle specific, registration, etc.) (FIG. 3A-3B). The Examiner notes that it is obvious that telephones have unique numbers.

Cornelison teaches that a voice message is used by a law enforcement officers to communicate license plate numbers to a computer which in turn communicates back to the officer (via a voice message) information relating the officers sent voice message, including repeating the license plate numbers (abstract and col 8, lines 6+).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Ilen with those of Cornelison.

One would have been motivated to do this in order to have a more convenient means for the attendant to send and receive data (voice message).

Though Ilen and Cornelison are silent to the telephone number of the mobile telephone of the parking attendant being detected and stored in the computer, the Examiner notes that it is well known and conventional in the art to store telephone numbers in computer systems, to identify those calling in/out, for record keeping purposes, generating employee/management reports, etc. As an Example of the well know nature of such call logging/recording, the Examiner specifically notes the use of such record keeping with authorities such as the police (dispatch), where it is know that an incoming calls phone number, time of call, etc. is recorded by the computer system for record keeping purposes and to provide additional data relating the caller (such as identity, for example). Accordingly, recording the phone numbers of the calls received and time, would have been an obvious expedient for record keeping. Additionally, the Examiner notes (Taskett US 6115458) which teaches a call log FIG. 6, which logs the number and time of calls). The Examiner notes it would have been an obvious expedient to log the calls, as is well known and conventional, for record keeping purposes, for management report purposes (i.e. see which workers are more productive, error prone, etc.).

Re claim 2, Ilen teaches that the parking attendant receives a message/indication of the parking zone a vehicle is logged in (col 4, lines 60+). Ilen is silent to the message being a voice message. Cornelison teaches the use of voice message for convenience.

Re claim 4, it has been discussed above that Cornelison uses voice recognition for license plate numbers. It is therefore obvious that such teachings can be extended to interpret a registration number spoken by the parking attendant. Cornelison teaches that the receiving system has voice recognition (FIG. 3). Accordingly, it is therefore obvious that a telephone device coupled to a computer would also include voice-interpreting device for such processing, in order for the data to be interpreted.

Re claim 5, the storing of the telephone number and also message (confirmation) has been discussed above.

Re claim 6, though the prior art teaches voice recognition/commands, it is silent to voice identification (of a user). The Examiner notes that voice identification of an individual is old and well known, as a means to provide identification, security, for generating of records, etc. Accordingly, such modification is therefore an obvious expedient with the expected results of identification, security, etc. The Examiner notes (US 2003/0120660) which teach that voice recognition is a well known means to provide security/prevent unauthorized use of a system (paragraph [0054]).

Re claims 7 and 8, Ilen teaches that upon being informed that a vehicle is not logged in/legally parked, a confirmation message is sent from the control unit to the receiving computer (col 5, lines 5+). Though Ilen is silent to the control device notifying the computer by either a keypad or voice message, the Examiner notes that it has been discussed above that voice messaging is a well known alternative for providing convenient communications not requiring keying information or manual use on the part of the user. The use of a keypad to send a confirmation is therefore obvious in light of the teachings of Ilen which teaches a unit that has a

printer and that also allows additional information to be manually inputted (col 5, lines 1+) which can include such well known means as a keypad.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ilen/Cornelison, as discussed above, further in view of Katz (US 2002/0109610).

The teachings of Ilen/Cornelison have been discussed above, including time stamping of incoming transmissions, which is well known and conventional (see above).

Ilen/Cornelison are silent to a grace period/free parking period, and that when an attendant scans a vehicle a second time (after initially scanning during the grace/free period) a voice message is sent to the parking attendant reporting whether the vehicle is still logged in. Ilen/Cornelison do teach voice message communication of information.

Katz teaches that a vehicle is given a grace period to provide registration information, or else the car is determined to be illegally parked (paragraph [0063] and [0073]).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Ilen/Cornelison with those of Katz.

One would have been motivated to do this in order to have a grace period whereby a user/vehicle has time before information is required, for convenience for the user/vehicle. The Examiner notes that it has been taught above that when an attendant scans a vehicle, the information is sent regarding the vehicle to check if payment is received. Therefore, the Examiner contends that when such teachings are combined with a grace period (Katz), an initial scan would report the registration number but would not result in an indication that the car is illegally parked, as there is a grace period, and a ticket would not be generated. However, it is

obvious that after the grace period is up, and the car is scanned, that an indication would be sent to the attendants device indicating that the car is illegally parked, for example.

#### ***Additional Remarks***

4. The Examiner notes that the effective filing date never moves to the foreign priority date. Rather, if the date is perfected by meeting all of the requirement for a claim for priority and also a sworn English translation, if not in English, this date may be used to overcome references in between the foreign filing data and the U.S. filing date. However, the Examiner notes that a sworn English translation of Swedish Patent Application 0200234-3 has not been received at this time.

#### ***Response to Arguments***

5. Applicant's arguments filed 21 May 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the information is up to date and that communication is not done via an intermediate) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Additionally, the Examiner notes that Cornelison is used for teachings of voice communication of information. The Applicant has stated that Cornelison teaches information



that is not up to date and that communication is done via an intermediary. However, such teachings of Cornelison are not relied upon, as the Examiner has incorporated the teachings of voice communication of data from Cornelison, as an obvious expedient for communication of information.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Examiner notes that a teaching/suggestion/motivation exists in as much as both references teach communication of information to a person. Accordingly, modifying the teaching of Ilen to include the voice communication means of Cornelison, especially as Ilen teaches the use of a phone, are obvious to one of ordinary skill in the art. Replacing text messages with voice messages is an obvious expedient for convenience. As both teachings are related to supporting information to an individual, convenience or such support is an obvious concern. With regard to the combination of the Katz reference, the Examiner notes that as the prior art to Ilen and Katz are drawn towards vehicle parking, its is obvious to combine the two reference for grace periods, as such grace periods in parking environments are well known in the art, to provide convenience for the parker, for example.

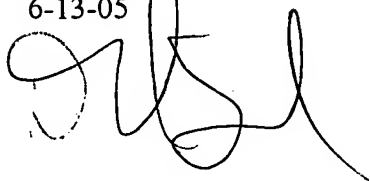
***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is 571 242 2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh  
Examiner  
Art Unit 2876  
6-13-05



KARL D. FRECH  
PRIMARY EXAMINER